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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/531,817	04/19/2005	Toshiyuki Fukushima	MTS-3550US	3849
23122	7590	09/03/2009		
RATNERPRESTIA			EXAMINER	
P.O. BOX 980			SHEN, KEZZHEN	
VALLEY FORGE, PA 19482				
			ART UNIT	PAPER NUMBER
			2627	
			MAIL DATE	DELIVERY MODE
			09/03/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/531,817

Applicant(s)

FUKUSHIMA ET AL.

Examiner

Kezhen Shen

Art Unit

2627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 July 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 17-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 17-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☒ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Request for Continued Examination

A Request for Continued Examination (RCE) under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 7/14/2009 has been entered.

Response to Arguments

Applicant's arguments with respect to claim 17-21 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 17-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Tadayuki et al. JP 8-329469 A.

Regarding claim 17, Tadayuki et al. teach a replaying apparatus, comprising:

a drive device housing an optical disk (Drawing 1) and a control device connected to said drive device (Drawing 1), wherein said control device has: a memory (47 of Drawing 1 [0022]), a memory recording unit which acquires an information for adjustment processing of the optical disk housed in said drive device and records the acquired information in said memory (24 and 47 of Drawing 1, [0022]-[0023], [0081]-[0083] recording parameters and disk ID is saved into the memory by the CPU), a transmitting unit which transmits the information for adjustment processing stored in said memory to said drive device (24 and 47 of Drawing 1, [0022]-[0023], [0081]-[0083] recording parameter is stored in memory and controlled by the CPU), and said drive device has: a volatile buffer memory (47 of Drawing 1, [0081] volatile memory SRAM), a calculation unit which calculates the information for adjustment processing of the housed optical disk (24 of Drawing 1, [0022]-[0023], [0081]-[0083] CPU calculates information on the memory), a calculated information recording unit which records the calculated information for adjustment processing as a first adjustment information in said volatile buffer memory (24 and 47 of Drawing 1, [0022]-[0023], [0081]-[0083], [0104]-[0107] recording parameters is recorded in the memory by CPU), a calculated information transmitting unit which transmits the calculated information for adjustment processing to said control device (24 of Drawing 1, [0022]-[0023], [0081]-[0083] CPU obtains the recording parameters then determines how this information is handled), an acquiring unit which acquires the information for adjustment processing transmitted from said control device (24 of Drawing 1, [0022]-[0023], [0081]-[0083] CPU obtains recording parameters), a buffer recording unit which records the acquired information

for adjustment processing as a second adjustment information in said volatile buffer memory (24 and 47 of Drawing 1, [0022], [0082] CPU obtains disk ID and recorded this information in the memory) and an optical disk control unit which controls the housed optical disk according to the first adjustment information or the second adjustment information recorded in the volatile buffer (24 of Drawing 1, [0022]-[0023], [0052]-[0054], [0104]-[0106] CPU controls disk ID and recording parameters stored on the memory), wherein said acquiring unit is configured to acquire the information for adjustment processing transmitted from said control device when recording or replaying is resumed after supply of power to said drive device is suspended ([0081]-[0084], [0104]-[0108] the reset of the data recorder will activate detection of the disk to determine if it is the same and obtain information from a table stored in memory).

Regarding claim 18, Tadayuki et al. teach the replaying apparatus according to claim 17, wherein, said optical disk control unit of said control device controls a recording or replaying of the housed optical disk according to the first adjustment information or the second adjustment information (24 of Drawing 1, [0022]-[0023] [0052], [0081]-[0084] CPU controls the recording of disk ID and recording parameters on memory).

Regarding claim 19, Tadayuki et al. teach a replaying apparatus, comprising: a drive device housing an optical disk (Drawing 1) and a control device connected to said drive device (Drawing 1), wherein said control device has: a memory (47 of Drawing 1 [0022]), a memory recording unit which acquires a pair of information including an identification information (24 and 47 of Drawing 1, [0022]-[0023], [0081]-

[0083] recording parameters and disk ID is saved into the memory by the CPU), and an information for adjustment processing of the optical disk housed in said drive device and records the acquired pair of information in said memory (24 of Drawing 1, [0022]-[0023] CPU and [0022] disk ID is memorized on the memory, [0023] recording parameter will be based on the ID detected), a transmitting unit which acquires the identification information of the optical disk housed in said drive device from said drive device and transmits, to said drive device, the information for adjustment processing which corresponds to the acquired identification information in the case that the corresponding information for adjustment processing is recorded in said memory (24 and 47 of Drawing 1, [0022]-[0023], [0081]-[0083], [0104]-[0106] CPU and [0022] disk ID is memorized on the memory, [0023] recording parameter will be based on the ID detected), and said drive device has: a volatile buffer memory (47 of Drawing 1, [0081] volatile memory SRAM), a calculation unit which calculates the information for adjustment processing of the housed optical disk (24 of Drawing 1, [0022]-[0023], [0081]-[0083] CPU calculates information on the memory), an identification information acquiring unit which acquires the identification information of the housed optical disk ([0022] Disk ID), a calculated information recording unit which records the calculated information for adjustment processing as a first adjustment information in said volatile buffer memory (24 and 47 of Drawing 1, [0022]-[0023], [0081]-[0083], [0104]-[0107] recording parameters is recorded in the memory by CPU), a paired information transmitting unit which transmits the calculated information for adjustment processing and the acquired identification information as a paired information to said control device

(24 and 47 of Drawing 1, [0022]-[0023], [0081]-[0083], [0104]-[0106] CPU and [0022] disk ID is memorized on the memory, [0023] recording parameter will be based on the ID detected), an identification information transmitting unit which transmits the acquired identification information to said control device (24 of Drawing 1, [0022]-[0023] CPU), an acquiring unit which acquires the information for adjustment processing transmitted from said control device (24 of Drawing 1, [0022]-[0023] CPU and [0022] Disk ID), a buffer recording unit which records the acquired information for adjustment processing as a second adjustment information in said volatile buffer memory (24 and 47 of Drawing 1, [0022], [0082] CPU obtains disk ID and recorded this information in the memory) and an optical disk control unit which controls the housed optical disk according to the first adjustment information or the second adjustment information recorded in the volatile buffer (24 of Drawing 1, [0022]-[0023], [0052]-[0054], [0104]-[0106] CPU controls disk ID and recording parameters stored on the memory), wherein said acquiring unit is configured to acquire the information for adjustment processing transmitted from said control device when recording or replaying is resumed after supply of power to said drive device is suspended ([0081]-[0084], [0104]-[0108] the reset of the data recorder will activate detection of the disk to determine if it is the same and obtain information from a table stored in memory).

Regarding claim 20, Tadayuki et al. teach the replaying apparatus according to claim 19, wherein, said optical disk control unit of said control device controls a recording or replaying of the housed optical disk according to the first adjustment information or the second adjustment information (24 of Drawing 1, [0022]-[0023]

[0052], [0081]-[0084] CPU controls the recording of disk ID and recording parameters on memory).

Regarding claim 21, Tadayuki et al. teach the replaying apparatus according to claim 17, wherein said control device is configured to control the drive device to supply power to the volatile buffer memory ([0081]), the transmitting unit transmits said information for adjustment processing to the acquiring unit which is then recorded in said volatile buffer memory ([0082] – [0083]).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kezhen Shen whose telephone number is (571) 270-1815. The examiner can normally be reached on Monday-Friday 10am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on (571) 272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

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USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kezhen Shen/
Examiner, Art Unit 2627

/Joseph H. Feild/
Supervisory Patent Examiner, Art
Unit 2627